

JAN 19 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: GEWEHR ET AL.

SERIAL No. 10/616,950

FILED: JULY 11, 2003

FOR: FUNGICIDAL USE

DOCKET No.: AM200040

CONFIRMATION No.: 2161

GROUP ART UNIT: 1616

EXAMINER: SABIHA N. QAZI

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Honorable Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATIONPRELIMINARY SUBMISSION

Sir:

This is a Request for Continued Examination pursuant to 37 C.F.R. §1.114 which is filed in response to the final Office action of August 19, 2005. For further prosecution, kindly enter and consider the following preliminary remarks and the attached Declaration:

PRELIMINARY REMARKS

Claims 1, 2, 4 and 5 as presented by applicants on June 10, 2005 (date of the Certificate of Mailing), are currently pending in this case.

Claims 1, 2, 4 and 5 stand rejected (a) under the judicially created doctrine of obviousness-type double patenting as being unpatentable in light of Claims 1 to 5 of *Sieverding et al.* (US 6,696,497),

- 1 -

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